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09/963,914	09/26/2001	Timothy E. Wood	13768.203	9417

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EXAMINER
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HUYNH, THU V

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/963,914

**Applicant(s)**

WOOD ET AL.

**Examiner**

Thu V Huynh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-9,11,14,16,18,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-9,11,14,16,18,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This action is responsive to communications: amendment filed on 02/18/2005 to application filed on 09/26/2001.
2. Claims 1, 8-9, 11, 16, 18, 21 are amended.
3. Claims 5-6, 10, 12, 13, 15, 17, 19-20 are canceled.
4. Claims 1-4, 7-9, 11, 14, 16, 18, and 21-22 are pending in the case. Claim 1 is independent claim.
5. The rejections in previous office action are withdrawn in view of the amendment.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 11 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Regarding independent claims 11 and 21**, these claims are not limited to tangible embodiments. In view of Applicant's disclosure, specification pages 9-10, paragraph [0029], the media is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., "RAM, ROM, EEPROM, CD-ROM") and intangible embodiments (e.g., "computer-readable media can be any available media"). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

***Claim Rejections - 35 USC § 112***

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8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 2-4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Regarding claims 2-4 and 7.** These claim recites the limitation of “wherein the specific act of” renders the claim(s) indefinite, since there is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 7.** Claim 7 recites “a method in accordance with claim 6”. There is insufficient antecedent basis for this limitation in the claim, since claim 6 is canceled. Examiner assumes that claim 7 is dependent on claim 1 for examination purpose.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. **Claims 1-3, 8, 11, 14, 18 are rejected under 35 U.S.C. 103(a) as unpatentable over**

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**Gao et al., US 2002/0032701 A1, priority filed 09/2000, in view of Homer et al., “Instant HTML”, copyright 1997, pages 195-201, and JS-Examples, “Image sized popup”, <http://www.js-examples.com/javascript/?run=638>, published 04/2001, pages 1-13, and Yehuda Shiran, “Scriptlet Authoring”, <http://www.webreference.com/js/tips/991222.html>, published 12/1999, pages 1-2.**

**Regarding independent claim 1, Gao teaches the steps of:**

- retrieving the document from the server computer system (Gao, [0032], [0046]; retrieving the requested HTML document from a server to a client);
- displaying the document on a screen (Gao, [0046]);
- detecting a reference in the document to computer-executable instructions not included in the document (Gao, [0046]; detecting a script tag in the HTML document that references to a Script source);
- retrieving the computer-executable instructions (Gao, [0048]; retrieving the Script program from the server);
- executing the computer-executable instructions to generate a scriptlet (Gao, [0048], server generating appropriate JavaScript code);
- detecting an event comprising movement of a cursor within certain boundaries to a specific region of the screen (Gao, page 3, [0034]; detecting a pointer or mouse over a designated text element in the HTML document, causing a text box to appear).

However, Gao does not explicitly disclose the script is a scriptlet; using a HTML handler to detect an event; in response to detecting the event, using the HTML handler to pass a parameter to the scriptlet, informing the scriptlet of the event; using the scriptlet to map the event

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to content that is to be retrieved; using the scriptlet to retrieve the content in response to being informed of the event; using the scriptlet to overlay the content over the displayed document after retrieving the content.

Homer teaches using a HTML handler to detect an event comprising movement of a cursor within certain boundaries to a specific region of the screen (Homer, page 195, "Browser Event Names" section; page 196, "mouseover"; page 199-201).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Homer and Gao to using HTML handler to detect an event, since the combination would have provided many events and ways to connect the script to an event as Homer disclosed.

JS-Examples teaches displaying a web page with hyperlinks, such as <http://www.js-example.com/js/pic1.gif>, <http://www.js-example.com/js/pic2.gif>, <http://www.js-example.com/js/pic3.gif> (JS-Examples, pages 1-7); clicking one of hyperlink, causing a popup window overlay on the displayed page (JS-Examples, pages 8) via javascript code (JS-Examples, pages 11-13), comprising the steps of:

- retrieving and displaying a web page document, wherein the web page contains hyperlinks (JS-Examples; pages 1-7);
- in response to detecting the event, using the HTML handler to pass a parameter to the scriptlet, informing the script of the event (JS-Examples; pages 8, 11; page 12, lines 15; page 12, line 40 – page 13, lines 3; when one of these hyperlink is clicked, the script function `showIt(_v)` is executed);

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- using the script to map the event to content that is to be retrieved (JS-Examples; page 2, three lines from the bottom; page 4, lines 1-3; when one of hyperlinks is clicked, using script function to map the variables, for example mapping variable “1” from ShowIt(1) to function ShowIt(\_v) so that the var\_g of “js/pic”+\_v”.gif” becomes js/pic1.gif to be retrieved);
- using the script to retrieve the content in response to being informed of the event (JS-Examples; page 8-10; page 12, line 25; using the script function to retrieve the image js/pic1.gif in function window.open (\_g,””,\_o), wherein \_g is the image js/pic1.gif)
- using the script to overlay the content over the displayed document after retrieving the content (JS-Examples; page 9-10; page 12, line 25; using the script function to display the image js/pic1.gif in a popup window over the displayed document).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined JS-Examples into Gao and Homer to provide a popup window, the combination would have displayed text box or a popup window when moving a display cursor over or clicking on a designated element as Gao disclosed in paragraph [0034].

Shiran teaches, “scriptlet is an independent script that is reference from an HTML page to describe the behavior of an object and the event it is triggered by” as Shiran disclosed in page 1, first paragraph.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Shiran’s scriptlet into Gao, Homer and JS-Examples, since the combination would have provided many kind of scripts to provide popup windows when an event is triggered.

**Regarding claim 2**, which is dependent on claim 1, Gao teaches retrieving document from the server computer system comprises the following: a specific act of retrieving a HyperText Markup Language (HTML) document from the server computer system (Gao, page 3, paragraph 32; page 4, paragraph 46).

**Regarding claim 3**, which is dependent on claim 2. Gao teaches wherein detecting the reference in the document to computer-executable instructions not included in the document comprises the following: a specific act of the detecting a SCRIPT tag in the HTML document (Gao, page 4, paragraph 46).

**Regarding claim 8**, which is dependent on claim 1, Gao teaches wherein retrieving the computer-executable instructions comprises the following: a specific act of retrieving one or more data structure that represent at least some of the content (Gao, page 3, paragraph 34; page 5; paragraph 50).

**Claim 11** is for a computer readable media performing the method of claim 1, and is rejected under the same rationale.

**Regarding claim 14**, which is dependent on claim 11, Gao teaches wherein the computer-readable medium is a physical storage media (Gao, page 3, paragraphs 38-39).



**Regarding claim 18**, which is dependent on claim 1, the limitation of “wherein the HTML handler is an OnMouseOver handler” is addressed. The rationale is incorporated herein.

12. **Claims 4, 9, 16, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gao in view of Homer, JS-Examples and Shiran as applied to claims 1 and 8 above and further in view of Hunt et al., US 2004/0133848 A1, provisional filed 04/2000.**

**Regarding claim 4**, which is dependent on claim 1. The combination of Gao, Homer and JS-Examples teaches wherein retrieving the computer-executable instructions comprises the following: a specific act of retrieving computer-executable instructions that operate the overly a window over the displayable form of the document, as explained in claim 1 above. The rationale is incorporated herein.

However Gao does not explicitly disclose overlaying a window over the document *even if other windows or frames already overly the displayable form of the document*.

Hunt teaches, “a popup window may be closed automatically or it may require the user to explicitly close it” (Hunt, page 22, paragraph 343).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hunt popup window’s modes into Gao to overlaying a window over the document during other windows already overly the displayable form of the document, since the combination would have provided options for display popup windows and the user controls (closes) what popup window as the user wants/needs.

**Regarding claim 9**, which is dependent on claim 8, Gao does not explicitly teaches wherein the retrieving one or more data structure comprises the following: retrieving one or more data structures that are structured in accordance with the eXtensible Markup Language (XML) format.

Hunt teaches method for providing and displaying information (Hunt's title), using Script to provide popup information for the user in HTML or XML content (Hunt, page 6, paragraph 86; page 14, paragraph 177; page 22, paragraph 343).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hunt's XML content into Gao to provide data in XML format, since the combination would have provided both XML or HTML content to be displayed in popup windows for the user.

**Regarding claim 16**, which is dependent on claim 1, Gao does not explicitly disclose displaying a first window over a portion of the document and displaying a second window over the document during the specific act of displaying the first window over the document.

Hunt teaches, "a popup window may be closed automatically or it may require the user to explicitly close it" (Hunt, page 22, paragraph 343).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Hunt popup window's modes into Gao to overlaying a window over the document during other windows already over the displayable form of the document, since the combination would have provided options for display popup windows and the user controls (closes) what popup window as the user wants/needs.

**Claim 21** is for a computer readable media performing the method of claim 16, and is rejected under the same rationale.

**Regarding claim 22**, which is dependent on claim 21, Gao teaches wherein the computer-readable medium is a physical storage media (Gao, page 3, paragraphs 38-39).

13. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gao in view of Homer, JS-Examples and Shiran as applied to claim 1 above and further in view of Holbrook et al., US 2002/0152222 A1, provisional filed 11/2000.**

**Regarding claim 7**, which is dependent on claim 1. Gao discloses wherein the retrieving content in response to the event comprises the following: a specific act of retrieving *update information* related to the area of the displayable form of the document over which the pointer has moved (Gao, page 3, paragraph 34; page 5; paragraph 50). Gao does not explicitly disclose retrieving *help information*.

Holbrook teaches help or any desired information are displayed in a popup window in response to a mouse over an element of a web page to help the user understands more about the element (Holbrook, page 6, paragraph 79).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Holbrook and Gao to provide help, update or desired information that related to the elements in the web page, since the combination would have

provides more information about the elements on primary web pages without cluttering such web pages.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-4, 7-9, 11, 14, 16, 18, and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

As discussed in the interview, Gao does not explicitly disclose the step of amended claims, "using a scriptlet to map an event to content to be retrieved and for using the scriptlet to retrieve the content in response to being informed of the event, such as a cursor movement".

However, the combination of Gao, Homer, JS-Examples and Shiran teaches the amended claims as explained in the rejection above.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Durham, US 2002/0054161 A1, filed 06/2001, teaches dynamic site browser.

Green et al., US 2005/0091111 A1, filed 09/2000, teaches network methods for interactive advertising and direct marketing.

Dino Esposito, "Cutting edge", <http://www.microsoft.com/mind/1998/cutting/cuting1198.asp>, published 1998, pages 1-12.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH  
May 26, 2005

  
**STEPHEN HONG**  
SUPERVISORY PATENT EXAMINER